

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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|---|---|--------------------------|
| SPABO ICE CREAM CORP. d/b/a | : | |
| MISTER SOFTEE and | : | |
| : | | |
| MISTER SOFTEE, INC. | : | CIVIL ACTION NO. |
| | : | 1:07-cv-08628-PAC |
| : | | |
| Plaintiffs, | : | |
| v. | : | REQUEST TO ENTER |
| | : | DEFAULT |
| E. PIEDAD RIVERA d/b/a MISTER SOFTEE | : | |
| ET AL. | : | |
| : | | |
| Defendants. | : | |
| | : | |

TO: J. MICHAEL McMAHON, CLERK
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT NEW YORK

Please enter the defaults of Defendants E.Piedad Rivera, Jorge H. Verdugo, Parra Sun, Inc., Haydee Cordon, Claudia Zapata, and Ramon A. Pacheco, pursuant to Rule 55(a) of the Federal Rules of Civil Procedure for failure to plead or otherwise defend the above-captioned action as fully appears from the court file herein and from the attached affirmation of Paul J. Cianci.

Dated: January 25, 2008

FISHER ZUCKER LLC

By: s/ Paul J. Cianci
 Paul J. Cianci
 21 South 21st Street
 Philadelphia, PA 19103
 (215) 825-3100
 Attorney for Plaintiffs
 Spabo Ice Cream Corp. and
 Mister Softee, Inc.

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| SPABO ICE CREAM CORP. d/b/a | : | |
| MISTER SOFTEE and | : | |
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| MISTER SOFTEE, INC. | : | CIVIL ACTION NO. |
| | : | 1:07-cv-08628-PAC |
| | : | |
| Plaintiffs, | : | |
| v. | : | CERTIFICATE OF |
| | : | DEFAULT |
| E. PIEDAD RIVERA d/b/a MISTER SOFTEE | : | |
| ET AL. | : | |
| | : | |
| Defendants. | : | |
| | : | |

I, J. Michael McMahon, Clerk of Court for the United States District Court for the Southern District of New York, do hereby certify that the defendants, E.Piedad Rivera, Jorge H. Verdugo, Parra Sun, Inc., Haydee Cordon, Claudia Zapata, and Ramon A. Pacheco have not filed an answer or otherwise moved with respect to the complaint herein. The defaults of defendants, E.Piedad Rivera, Jorge H. Verdugo, Parra Sun, Inc., Haydee Cordon, Claudia Zapata, and Ramon A. Pacheco are hereby noted, pursuant to Rule 55(a) of the Federal Rules of Civil Procedure.

Dated: New York, New York
 _____, 2008

J. MICHAEL McMAHON
Clerk of Court

By: _____
Deputy Clerk

**IN THE UNITED STATES DISTRICT COURT
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| SPABO ICE CREAM CORP. d/b/a | : | |
| MISTER SOFTEE and | : | |
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| MISTER SOFTEE, INC. | : | CIVIL ACTION NO. |
| | : | 1:07-cv-08628-PAC |
| | : | |
| Plaintiffs, | : | |
| v. | : | AFFIRMATION IN |
| | : | SUPPORT OF DEFAULT |
| E. PIEDAD RIVERA d/b/a MISTER SOFTEE | : | |
| ET AL. | : | |
| | : | |
| Defendants. | : | |
| | : | |

Plaintiffs Spabo Ice Cream Corp. and Mister Softee, Inc., by their undersigned attorneys, respectfully request that the Clerk of this Court certifies default against Defendants E.Piedad Rivera (“Rivera”), Jorge H. Verdugo (“Verdugo”), Parra Sun, Inc. (“Parra Sun”), Haydee Cordon (“Cordon”), Claudia Zapata (“Zapata”), and Ramon A. Pacheco (“Pacheco”), (collectively, “Defendants”), and in support thereof Paul J. Cianci, counsel for Plaintiffs, avers as follows:

1. Defendants Rivera, Verdugo, Cordon, Zapata, and Pacheco are adult individuals and are not in the military or incompetent persons.
2. Defendant Parra Sun is a corporation, and thus is not an infant, in the military or an incompetent person.
3. The time within which Defendants Rivera, Verdugo, Parra Sun, Cordon, Zapata, and Pacheco may answer or move with respect to the complaint herein has expired. Said Defendants have not answered or otherwise moved with respect to the complaint, and the time for Defendants to do so has not been extended.

4. True and correct copies of the Affidavits of Service upon Defendants Rivera, Verdugo, Parra Sun, Cordon, Zapata, and Pacheco are attached hereto as Exhibits A through F, respectively.

I certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge and information.

Dated: January 25, 2008

FISHER ZUCKER LLC

By: s/ Paul J. Cianci
Paul J. Cianci
21 South 21st Street
Philadelphia, PA 19103
(215) 825-3100
Attorney for Plaintiffs
Spabo Ice Cream Corp. and
Mister Softee, Inc.